IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit:	2132	)
Examiner:	Gurshman, Grigory	)))
Inventor:	Karmouch et al.	)) **REASONS FOR PRE-APPEAL**
Serial No.:	09/676,838	) **BRIEF CONFERENCE REQUEST**)
Filed:	9/29/2000	))
For:	Security Mechanism...	))
Atty. Docket:	481340-010027	))

CERTIFICATE OF MAILING

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Sir:

The Examiner has twice rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Markarios (US 6,553,402) in view of Beser (US 6,70,061) (for claims 1-4); and over Markarios in view of Beser and further in view of Brickell (US 4,845,749) (for claims 5-9). The rejections of claims 1-9 are now appealed. The Applicant hereby requests review of the final rejection prior to filing an appeal brief for the reasons set forth below. The Applicant submits that the final rejection is based upon clear errors in fact and fails to establish a prima facie case of obviousness.

REASONS FOR PRE-APPEAL BRIEF CONFERENCE REQUEST

Claim 1 of the present application recites a virtual network communication system for

effecting secure communications between user agents at different sites within said virtual

network. The claimed system includes the following elements: (1) at least one Private Tuple

Space within each of said sites for effecting intrasite communications between agents at each of

said sites; (2) a Shared Tuple Space for effecting inter-site communications between said

different sites; and (3) a Coordinator Manager within each of said sites for (A) receiving user

initiated communication requests from said Private Tuple Space to communicate between user

agents at said different sites, (B) authenticating said requests and in response (C) dynamically

creating and managing instances of Coordinators at each of said different sites which embed

messages from said user agents in secure tuples and exchange said secure tuples over said Shared

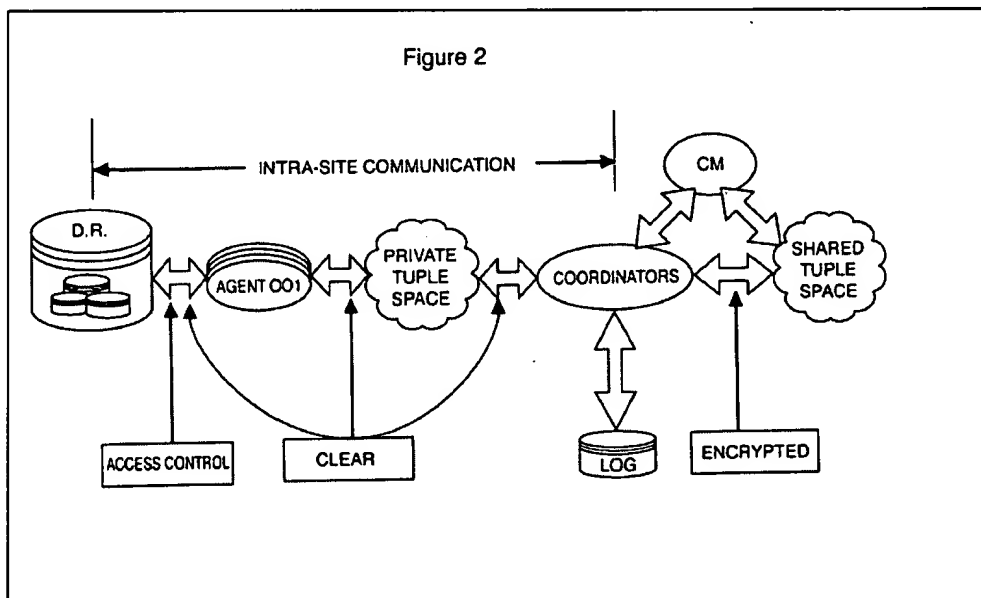Tuple Space. Figure 2 of the application is set forth below:

Figure 2 shows one of the claimed "different sites" having a "private tuple space" for

effecting intra-site communications between agents at the one site, a "shared tuple space" for

effecting inter-site communications, and a "Coordination Manager" (labeled CM in Figure 2) for carrying out the claimed functions (A) through (C) listed above. Claim 1 recites two distinct tuple spaces, a private tuple space for effecting intra-site communications and a shared tuple space for effecting inter-site communications. The advantages of this configuration are described in detail in the present application, and generally relate to enabling secure communications between the different sites.

During prosecution of this case, applicants maintained that the primary reference used in rejecting claim 1, the Markarios reference, failed to disclose a "virtual network communication system," failed to disclose "at least one private tuple space within each of said sites for effecting intra-site communications between agents at each of said sites," and failed to disclose the "Coordination Manager" providing the functions (A) through (C) recited in the claim. Although Markarios does describe a "tuple space," this space is an aggregation of other diverse spaces and forms a single large entry space. (Markarios, col. 2, ll. 49-55)

In finally rejecting claim 1 over Markarios in view of Beser, the Examiner argued that the claimed "Coordination Manager" is met by "a coordination entity configured to provide storage location information of a tuple stored on a first server to a second server over the computer network in response to a request for the storage location information of the tuple." (Final Rejection at 2,5) This rejection is faulty for at least two reasons: (1) the rejection fails to account for the claimed functions (A) through (C) recited as part of the claimed Coordination Manager; and (2) the Examiner's citation to Markarios for support of the "coordination entity configured to provide storage location information..." is completely incomprehensible in relation to the claim language. Regarding this second point, the Examiner has repeatedly relied on column 5, lines 1-

12 of Makarios in support of the allegation that the claimed "Coordination Manager" is taught

therein. Here is the passage from Markarios relied upon by the Examiner:

> "entry 40 of that type is not present in a given entry space 30, the entry
> universe 10 is traversed upwards (in the direction of increased generality)
> to a higher-order node called a metaspace 50 containing a generalized
> description of the nodes below it to seek a group of entry spaces 30 in
> which an entry 40 of the desired type 20 resides. Then, from that point the
> entry universe 10 is traversed downwards (in the direction of increased
> specificity) to find the particular entry space 30 and entry 40 of interest.
> As seen in the Figure, leaf nodes in the entry universe are entry
> spaces 30 containing entries 40 of interest to various networked entities.
> Each leaf node is connected to a" (Markarios, column 5, lines 1-12)

This portion of Markarios clearly cannot support the rejection of claim 1. There is no

mention of the "coordination entity" as alleged by the Examiner, and there is no discussion of

any of the functions (A) through (C) recited in claim 1 in relation to the claimed "Coordination

Manager." In fact, as applicants previously pointed out in response to this rejection, there is no

mention of a "coordination entity" or a "storage location" anywhere in the Detailed Description

of the Markarios reference. The rejection is clearly erroneous.

Regarding the claimed "private tuple space for effecting intra-site communications" of

claim 1, the Examiner refers to parts of Figure 2 of Markarios that do not exist. At page 5 of the

Final Office Action, the Examiner asserts: "The limitation "Private Tuple Space within each of

the sites for effecting intra-site communications between agents at each of the sites" is met by

memory (204 and 214 in Fig. 2)." Figure 2 of Markarios is set forth below. As can be seen there

is no memory element labeled 204 or 214 in this Figure. Moreover, there is nothing in the

description of Figure 2 that would disclose or suggest that this figure is describing a space for

"effecting intra-site communications between against each of the sites" as recited in claim 1.

FIG. 2
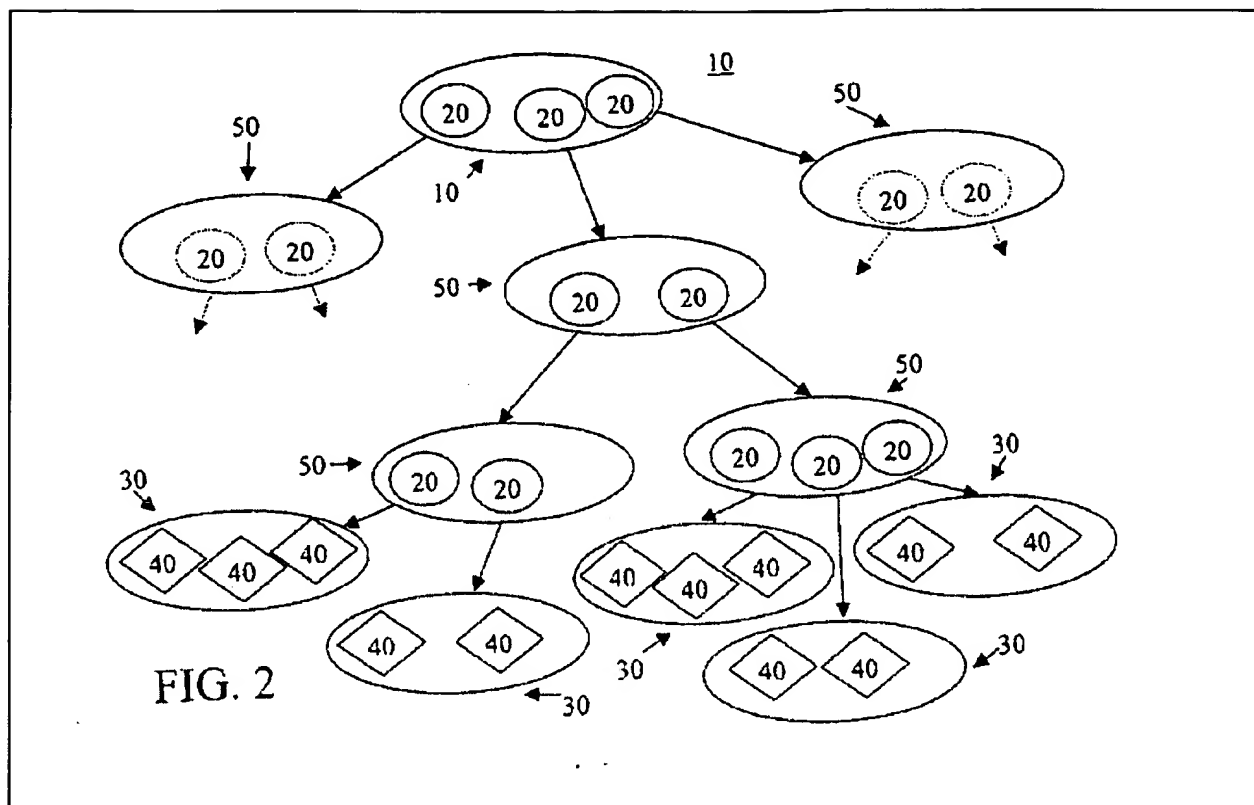
Finally regarding the claimed "shared tuple space for effecting intersite communications," the Final Office Action only states that this limitation is met by "an information space constructed to span a group of one or more server systems," with no citation at all to any portions of Markarios. The rejection, therefore, is lacking any support in the reference.

For all of the reasons set forth herein, applicants maintain that the reliance placed on Markarios in the Final Office Action in rejecting claim 1 is clearly erroneous and should be withdrawn. The rejections of claims 2-9 are also based on an erroneous reading of Markarios and similarly should be withdrawn.

The Applicant respectfully requests the withdrawal of the rejections in light of the aforementioned arguments. It is believed that the application, as now presented, is in condition for allowance and that a Notice of Allowability be issued.

Respectfully submitted,

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